

DISCLAIMER TO OBVIATE A DOUBLE PATENTING REJECTION OVER A PRIOR PATENT

In re Application of:

Application No.

Filed:

For:

Grant W. Heinicke et al.

09/606,629

June 29, 2000

CONTROLLED ABSORPTION DILTIZEM PHARMACEUTICAL FORMULATION

Petitioner, FH Faulding & Co. Limited, is the owner of 100% percent interest in the instant application.

Petitioner hereby disclaims, except as provided below, the terminal part of any patent granted on the instant application, which would extend beyond the expiration date of Patent No. 6,033,687, as presently shortened by any terminal disclaimer. Petitioner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the above listed patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, petitioner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Check either box 1 or 2 below, if appropriate

☐ 1. For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned (whose title is supplied below) is empowered to act on behalf of the organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

☒ 2. The undersigned is an attorney of record.

11/22/00
Date

E. Brendan Magrab
Signature

E. Brendan Magrab (Reg. No. 36,205)
Attorney of Record
Typed or printed name and title
if applicable

[X] Terminal disclaimer fee of \$110.00 under 37 CFR 1.20(d) charged to
Deposit Account No. 50-0370..

[X] PTO suggested wording for terminal disclaimer was

[X] unchanged, [] changed (if changed, an explanation should be supplied).

6-23-98

FORM PTO-1585

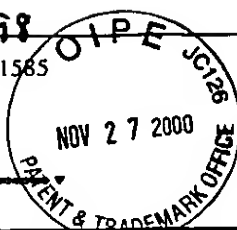
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1. Name of conveying party(ies):

GRANT WAYNE HEINICKE, ANGELO LEPORE and
ANGELO MARIO MORELLA

Additional name(s) of conveying parties attached? ☐ Yes ☒ No

2. Name and address of receiving party(ies)

Name: FH FAULDING & CO. LIMITED

Street Address: 160 Greenhill Road,
Parkside, South Australia 5063

3. Nature of conveyance:

- ☒ Assignment
☐ Security Agreement
☐ Other: _____

- ☐ Merger
☐ Change of Name

Execution date: _____

Additional name(s) & address(es) attached? ☐ Yes ☒ No

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4. Application numbers or patent numbers:

If this document is being filed together with a new application, the execution date of the application is: _____

A. Patent Applications

08/814,602

B. Patent No.(s)

Additional Numbers attached? ☐ Yes ☒ No

5. Name and address of party to whom correspondence
concerning document should be mailed:

Name: E. Brendan Magrab, Esq.
Internal Address: Faulding Inc.

Street Address: 200 Elmora Avenue
City: Elizabeth State: New Jersey ZIP: 07207

6. Total number of applications and patents involved: 1

7. Total fee (37 C.F.R. 3.41) \$ 40.00

- ☒ Enclosed
☐ Authorized to be charged to deposit account

8. Deposit account number: _____

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9. Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

E. Brendan Magrab (Reg. No. 36,205)

Name of Person Signing

[Signature]
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June 3, 1998
Date

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Date 6-3-98 Atty's Reg. # 36205
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SEPTEMBER 01, 1998

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100749153A

FAULDING INC.
E.. BRENDAN MAGRAB, ESQ.
200 ELMORA AVENUE
ELIZABETH, NEW JERSEY 07207

UNITED STATES PATENT AND TRADEMARK OFFICE
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PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 06/03/1998

REEL/FRAME: 9262/0670
NUMBER OF PAGES: 5

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:
HEINICKE, GRANT WAYNE

DOC DATE: 06/02/1998

ASSIGNOR:
LEPORE, ANGELO

DOC DATE: 06/02/1998

ASSIGNOR:
MORELLA, ANGELO MARIO

DOC DATE: 06/01/1998

ASSIGNEE:
FH FAULDING & CO., LIMITED
160 GREENHILL ROAD
PARKSIDE, AUSTRALIA 5063

SERIAL NUMBER: 08814602
PATENT NUMBER:

FILING DATE: 03/10/1997
ISSUE DATE:

9262/0670 PAGE 2

JACQUELINE MOORE, PARALEGAL
ASSIGNMENT DIVISION
OFFICE OF PUBLIC RECORDS

ASSIGNMENT

In consideration of One Dollar (\$1.00), and other good and valuable consideration, the receipt of which is hereby acknowledged, we the undersigned, **GRANT WAYNE HEINICKE, ANGELO LEPORE and ANGELO MARIO MORELLA**

Hereby sell, assign and transfer to **FH FAULDING & CO. LIMITED**, a corporation of South Australia, having a place of business at 115 Sherriff Street, Underdale, South Australia 5032 in Australia, its successors, assigns and legal representatives, the entire right, title and interest for the United States and all foreign countries, in and to any and all improvements which are disclosed in the application for United States Letters Patent, Serial No. 08/814,602, filed March 10, 1997, and is entitled

CONTROLLED ABSORPTION DILTIAZEM PHARMACEUTICAL FORMULATION,

and in and to said application and all divisional, continuing, substitute, renewal, reissue, and all other applications for Letters Patent which have been or shall be filed in the United States and all foreign countries on any of said improvements; and in and to all original and reissued patents which have been or shall be issued in the United States and all foreign countries on said improvements;

Agree that said Assignee may apply for and receive Letters Patent for said improvements in its own name, and that, when requested, without charge to but at the expense of said Assignee, its successors, assigns and legal representatives, to carry out in good faith the intent and purpose of this assignment, the undersigned will execute all divisional, continuing, substitute, renewal, reissue, and all other patent applications on any and all said improvements; execute all rightful oaths, assignments, powers of attorney and

Covenant with said Assignee, its successors, assigns and legal representatives that no assignment, grant, mortgage, license or other agreement affecting the rights and property herein conveyed has been made to others by the undersigned, and that full right to convey the same as herein expressed is possessed by the undersigned.

Gr W Heinicke (L.S.)
GRANT WAYNE HEINICKE

State of NEW JERSEY)ss.
County of UNION)

Before me this 2ND day of JUNE, 1998, personally appeared GRANT WAYNE HEINICKE to me personally known to be the person who is described in and who executed the above instrument, and acknowledged to me that he executed the same of his own free will for the purpose therein set forth.

JACQUELINE CHESLOW
NOTARY PUBLIC OF NEW JERSEY
My Commission Expires Feb. 12, 2007

(L.S.)

Date: _____ (L.S.)
 ANGELO LEPORE

State of _____)
)ss.
 County of _____)

Before me this _____ day of _____, 1998, personally appeared ANGELO LEPORE to me personally known to be the person who is described in and who executed the above instrument, and acknowledged to me that he executed the same of his own free will for the purpose therein set forth.

 Notary Public

Date: 4/6/98

A Morella (L.S.)
 ANGELO MARIO MORELLA

State of South Australia
)ss.
 County of Underdale

Before me this 1st day of June, 1998, personally appeared ANGELO MARIO MORELLA to me personally known to be the person who is described in and who executed the above instrument, and acknowledged to me that he executed the same of his own free will for the purpose therein set forth.

[Signature]
 Notary Public

U.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICE

CERTIFICATE UNDER 37 C.F.R. 3.73(b)

Docket Number

Application Number
09/606,629

Filing Date
June 29, 2000

Examiner
To be assigned

Art Unit
1615

Invention Title
CONTROLLED ABSORPTION DILITAZEM
PHARMACEUTICAL FORMULATION

Inventor(s)
Grant W. Heinicke et al.

Address to:
Assistant Commissioner for Patents
Washington D.C. 20231

FH Faulding & Co. Limited, certifies that it is the assignee of the entire right, title and interest in the patent application identified above by virtue of an assignment from the inventors of the patent application identified above which was recorded in the Patent and Trademark Office under Reel 9262, Frame 0670.

☒ Copies of assignment or other documents in the chain of title are attached.

The undersigned has reviewed all the documents in the chain of title of the patent application identified above and, to the best of undersigned's knowledge and belief, title is in the assignee identified above.

The undersigned (whose title is supplied below) is empowered to act on behalf of the assignee.

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date : 11/22/00

Name : E. Brendan Magrab

Title : Attorney of Record (Reg. No. 36,205)

Signature : E. B. Magrab